

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 15390 of 2004

Between:

Y. Krishnaiah S/o. Chinna Pullaiah
Palempalli Vill, Kadapa Mandal and District.

..... PETITIONER

AND

- 1 The Joint Collector, Kadapa, Kadapa District.
- 2 The Revenue Divisional Officer, Kadapa, Kadapa District.
- 3 The Mandal Revenue Officer, Kadapa, Kadapa District.
- 4 Smt. P. Venkata Subbamma W/o. P. Vijay Bhaskar Reddy,
R/o. Rukavari Palli Village, Palempalli Post,
Cuddapah Mandal & District. (R-4 is impleaded as per C.O. Dt.13.9.04 in
wpmp.21056/04.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the 2nd respondent in REf.C/588/2004, dt. 06.08.2004 in suspending the petitioner's authorization of Fair Price Shop as confirmed by the 1st respondent in her proceedings bearing L.Dis.No.I(3)/2226/2004, Dt. 25.8.2004 as illegal, arbitrary and motivated by extraneous considerations and consequently direct the respondents to continue the petitioner as Fair Price Shop Dealer in palempalli village, kadapa mandal, kadapa district.

Counsel for the Petitioner:MR.N.SIVA REDDY, Advocate

Counsel for the Respondent No1 to 3.: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: Mr.P.Veera Reddy, Advocate

The Court made the following :

THE HONOURABLE SRI JUSTICE

R. SUBHASH REDDY

WRIT PETITION NO. 15390 OF 2004

-

ORDER:

The petitioner is the authorized fair price shop dealer for distribution of scheduled commodities, as appointed under the A.P. State Public Distribution System Control Order, 2001. The authorization of the petitioner is placed under suspension by order of the Revenue Divisional Officer dated 6-8-2004. As against the same, the petitioner preferred statutory appeal to the Joint Collector, Kadapa, who has disposed of the appeal by order dated 25-8-2004 passed in proceedings L.Dis.No.I(3)/2226/2004.

It is the case of the petitioner that the said order is passed at the instance of some persons who are politically against him in the village. It is submitted that in spite of report to that effect by the Mandal Revenue Officer, the Revenue Divisional Officer has passed order dated 6-8-2004, suspending the authorization of the petitioner. It is further submitted that the appellate authority, without issuing any notice to the counsel on record, has disposed of the appeal, preferred by the petitioner.

On the other hand, it is submitted by Sri P.Veera Reddy learned Counsel appearing for the fourth respondent that in view of the orders passed by the Revenue Divisional Officer, the fourth respondent was given, temporary charge, for distribution of commodities and she has distributed the commodities for the month of September, 2004.

Even from a reading of the order passed by the Revenue Divisional Officer, Kadapa, it is evident that the Mandal Revenue Officer, Kadapa, has reported that the allegations levelled against the petitioner are politically motivated. As much as the

appeal preferred by the petitioner was not considered, by giving notice to the counsel on record, I dispose of the Writ Petition, by setting aside the order of the Joint Collector dated 25-8-2004, and direct the appellate authority-Joint Collector to, dispose of the appeal afresh by giving opportunity to the concerned parties and their counsels. This Court has early passed interim order suspending the proceedings, in that view of the matter, the impugned order of suspension of the authorization shall remain suspended till disposal of the appeal by the appellate authority. The first respondent shall dispose of the appeal, as expeditiously as possible, preferably within a period of six weeks from the date of this order.

Subject to the above direction, the Writ Petition is disposed of. No costs.

JUSTICE R. SUBHASH REDDY

Dated: 13--10-2004.

Note: CC in two days.

(BO)Msnr.

// TRUE COPY //

SECTION OFFICER

To

- 1 The Joint Collector, Kadapa, Kadapa District.
- 2 The Revenue Divisional Officer, Kadapa, Kadapa District.
- 3 The Mandal Revenue Officer, Kadapa, Kadapa District.
4. Two cc s to Govt.Pleader for Civil Supplies , High Court Buildings,

Hyderabad (OUT)

5.2CCs to

6.2CD copies

Form-NIC-OGS/WP{JGK}